

REMARKS

Claims 1, 4, 7-9, 16-17, 43-44, 46, and 48-63 are pending. Claims 1, 43, 54, and 60 have been amended.

§ 112 Rejection

Claim 60 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention because the “wording of the claim renders the claim incomprehensible.”

Claim 60 has been amended to further clarify the claimed subject matter. For illustration purposes, FIG. 4 of the present specification shows a Grand Jackpot (*e.g.*, a first level) of 12 free spins (*e.g.*, free plays) and a Major Jackpot (*e.g.*, a second level) of 10 free spins (*e.g.*, free plays). The number of free spins for each Jackpot can increase and be awarded to a player.

Thus, Applicants respectfully submit that the claim is comprehensible and in compliance with 35 U.S.C. § 112, second paragraph.

§ 102 Rejections

Claims “1, 4, 8-9, 16-18, 44, 46, 48, 50-51, 54-58, and 61-63” have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,357,716 B2 to Marks *et al.* (“Marks”). Applicants respectfully note that claim 18 has been previously cancelled. As such, the office action likely intended to list claims 16-17 (not 16-18).

Claims 1, 43, and 54 are the only independent claims.

Claims 1 and 43 have been amended (a) to include mathematical models that are specific to each of the basic game and the progressive game and (b) to include that the free plays are received “by said player independent of said wager input.” For example, claim 1 has been amended to include “said basic game having a first mathematical model” and “said progressive game feature having a second mathematical model that is different than said first mathematical model.” Claim 1 has been further amended to clarify that the expected value of the progressive award is “defined by a statistical advantage associated with said second mathematical model.” Claim 43 has been amended in a similar manner.

No new matter is being added. For example, the present specification discloses that “the progressive game can simply be a second type of slot-machine game with reel symbols, math, and themes that are different from those in the basic game.” Present Specification, π [0042] (emphasis added). Also, the present specification discloses that a “progressive-award outcome” is provided in response to receiving a “wager input” from a player. *Id.* at π [0026]. Thus, the progressive award is received regardless of the wager amount received from the player.

Marks fails to disclose any of these aspects of claims 1 and 43. Nowhere does Marks disclose that different mathematical models are used with respect to a basic game and a progressive game.

Furthermore, Marks fails to teach a progressive award in which the total value is awarded independent of the wager size. As taught by Marks, the player will receive a smaller percentage progressive award if the player wagers a smaller wager. In contrast, the player of a wagering game in accordance with claims 1 and 43 will receive the same progressive award regardless of the wager size.

In a more specific example, according to the present specification Player A wagering 1 credit and Player B wagering 100 credits may both receive the same expected value of 50 free plays. Thus, the players of a wagering game in accordance with claim 1 and 43 will receive the full award increment of the progressive award.

In contrast, in accordance with Marks, Player A will receive a reduced percentage award (e.g., 10 credits if the wager corresponds to 10% of the progressive award) while Player B will receive a higher award (e.g., 600 credits if the wager corresponds to 60% of the progressive award), based on their respective wagers. Thus, the players of Mark will receive only a percentage of a particular winning outcome (e.g., 60% of the winning outcome).

Claim 54 has been amended to include two “progressing” aspects – (a) a number of free plays and (b) an associated multiplier. For example, the present specification discloses that the “progressive award can also be associated with a multiplier value” and that the “multiplier value can be used to multiply a monetary award obtained from free game play by the multiplier value.” Present Specification, π [0029]; FIG. 4. Also, similar to claims 1 and 43, claim 54 has been amended to include that the free plays are received “by said player independent of said wager input.”

Marks fails to disclose two different progressing aspects. Also, as discussed above, Marks fails to disclose free plays that are independent of the received wager.

§ 103 Rejections

Claim 7 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marks in view of U.S. Patent Application Publication No. 2004/0053666 A1 to Vancura. Claim

49 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marks in view of U.S. Patent No. 6,887,154 B1 to Luciano. Claims 52-53 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marks in view of U.S. Patent No. 6,929,264 to Huard. Claim 59 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marks.

Applicants respectfully submit that the rejected claims (which are all dependent claims) are patentable at least for the same applicable reasons discussed above with respect to the independent claims.

Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

The fees of \$810 for the Request for Continued Examination and \$490 for the two-month extension of time are being paid upon filing of the current response via the deposit account listed below. It is believed that no additional fees are due; however, should any other fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000254USPX.

Respectfully submitted,

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By: /Sorinel Cimpoes – Reg. No. 48,311/
Sorinel Cimpoes

Nixon Peabody LLP
300 S. Riverside Plaza, 16th Floor
Chicago, Illinois 60606-6613
(312) 425-8542

ATTORNEY FOR APPLICANTS